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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/777,393	02/12/2004	John Roberts	RJB-10102/15	5772

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EXAMINER

WRIGHT, ANDREW D

ART UNIT	PAPER NUMBER
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3617

DATE MAILED: 04/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/777,393

Applicant(s)

ROBERTS, JOHN

Examiner

Andrew Wright

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 January 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-17 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 8/27/04.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 8/27/04 was filed in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Drawings

2. The drawings were received on 1/10/05. These drawings are accepted.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, 6, 9, and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Gentile (US 3,182,340). Regarding claim 1, Gentile shows a raft comprising a body (12) having a planar body, curved side, and sloping top. The top is sloped at least at (42) as seen in figure 4. The body may have an outer shell (90) constructed of polyester. The shell encapsulates a solid inner foamed polyurethane core (18). Flag (38) and flag pole (36) are decorative indicia associated with the top.
5. Claim 2, the outer shell may comprise polyester (column 6, lines 40-60).
6. Claim 6, the decorative indicia comprises a flag pole (36).

7. Claim 9, the inner shell is polyurethane foam (column 2, lines 48-52) and the outer shell may be polyester. The outer shell encapsulates the foam core.
8. Claim 11, Gentile as already described contains the elements of claim 11.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1, 2, 5, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Von Norring (US 3,694,837) in view of Keller (US 3,619,833) and Lekhtman (US 2004/0028478). Regarding claim 1, Von Norring shows a floating body with a planar bottom (2), curved side, and sloping top. The body comprises a core (14) and outer shell (6). The core (14) comprises at least two sections, shown in figure 2 with different shading. The inner section (shown with lighter shading) appears solid. The outer shell encapsulates the core (figure 2). Von Norring does not disclose the specific materials of the core and outer shell. Keller shows a floating raft, similar to that of Von Norring, with an outer shell (20) that encapsulates an inner core (12). Keller teaches that the core may be foam (column 1, lines 61-62) and the outer shell may be fiber glass and polyester resin (column 2, lines 18-21). Since Von Norring does not disclose any specific materials of construction, one wishing to make or use the apparatus of Von Norring would necessarily need to choose materials of construction. Therefore it would

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have been obvious to one having ordinary skill in the art at the time the invention was made to modify Von Norring by using a foam core and a fiber glass and polyester resin outer shell. The motivation would be to make and/or use the Von Norring apparatus with materials of construction that are known in the art. The use of a piece of foam as core element (14) constitutes a solid core.

11. Still regarding claim 1, Von Norring does not disclose at least one decorative indicia associated with the sloping top. Lekhtman discloses a floating raft similar to that of Von Norring. Lekhtman teaches that the top surface may be covered with artificial turf for a golf playing surface (paragraph 0019). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Von Norring by adding artificial turf to the top surface. The motivation would be to create a golf playing surface as taught by Lekhtman. The artificial turf constitutes a decorative indicia.

12. Regarding claim 2, the body of the modified invention comprises polyester in the outer shell.

13. Regarding claim 5, the indicia comprises artificial turf.

14. Regarding claim 9, the outer shell is polyester resin laminate and the inner core is foam, as taught by Keller.

15. Claims 3 and 4 are is rejected under 35 U.S.C. 103(a) as being unpatentable over Von Norring in view of Keller and Lekhtman as applied to claim 2 above, and further in view of Abeille (US 4,825,798). Regarding claim 3, Keller discloses that a

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polyester gel coat can be applied to the outer surface of the outer shell (column 2, line 15). Keller is silent as to pigment. Abeille shows a floating raft that comprises a foam core and polyester resin outer shell. Abeille teaches that a polyester gel coat can be applied to the outer surface of the outer shell. Abeille teaches that the polyester gel coat may be clear or colored if desired (column 2, lines 40-41). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify Von Norring by adding a pigmented polyester gel coat as taught by Keller and Abeille. The motivation would be to enhance the appearance of the raft.

16. Regarding claim 4, Abeille teaches that the gel coat may comprise a textured non-skid surface in the form of stone (32). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify Von Norring by adding stone to the gel coat as taught by Abeille. The motivation would be to minimize the risk of a user slipping on the top surface.

17. Claims 6 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Von Norring in view of Keller and Lekhtman as applied to claim 1 above, and further in view of Simon (US 3,814,439). The modified invention of Von Norring does not comprise a flag pole. Lekhtman teaches adding the artificial turf for the purpose of creating a golf playing surface. Simon shows a floating golf playing surface with artificial turf and a flag. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify Von Norring by

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adding a flag to the top surface. The motivation would be to enhance the golf playing surface by providing a target.

18. The elements of claim 10 are present in the modified invention of Von Norring as described above with respect to claim 6.

19. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Von Norring in view of Keller and Lekhtman as applied to claim 1 above, and further in view of Treppedi et al. (US 2002/0095947). The modified invention of Von Norring does not comprise an artificial palm tree. Lekhtman teaches that the floating raft can also be used to support a parasol (paragraph 0021). Treppedi shows a parasol in the shape of an artificial palm tree (figures 1 and 8). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify Von Norring by adding a parasol in the form of a palm tree. The motivation would be to provide shade for the user on the raft.

20. Claims 1 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bass (US 3,707,736) in view of Mallory (US 3,893,201). Bass shows a raft with a flat bottom, curved side, and sloped top. The top has a lantern which constitutes a decorative indicia. The raft has an outer shell (4, 6) that is hollow. Bass does not disclose a core of buoyant material, or that the shell is buoyant material. Mallory shows a buoy similar to that of Bass. Mallory shows that the buoy comprises a solid foam core (32) encapsulated by a polyester resin outer shell (30). It is well known and common in

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the art to fill hollow spaces with foam to provide buoyancy in the event that the walls of the hollow space get punctured. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Bass by using a foam core and a polyester outer shell as taught by Mallory. The motivation would be to enhance the buoyancy of the raft.

21. Regarding claim 7, the lantern constitutes a light house structure.

22. Claims 11 and 12 are is rejected under 35 U.S.C. 103(a) as being unpatentable over Von Norring in view of Keller and Lekhtman and Simon as applied to claim 6 above, and further in view of Abeille (US 4,825,798). Regarding claim 11, Keller discloses that a polyester gel coat can be applied to the outer surface of the outer shell (column 2, line 15). Keller is silent as to pigment. Abeille shows a floating raft that comprises a foam core and polyester resin outer shell. Abeille teaches that a polyester gel coat can be applied to the outer surface of the outer shell. Abeille teaches that the polyester gel coat may be clear or colored if desired (column 2, lines 40-41). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify Von Norring by adding a pigmented polyester gel coat as taught by Keller and Abeille. The motivation would be to enhance the appearance of the raft.

23. Regarding claim 12, Abeille teaches that the gel coat may comprise a textured non-skid surface in the form of stone (32). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify Von

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Norring by adding stone to the gel coat as taught by Abeille. The motivation would be to minimize the risk of a user slipping on the top surface.

24. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gentile (US 3,182,340). Gentile does not disclose the recited method steps. Gentile discloses an apparatus comprising all of the recited structural elements. The method steps are inherent in the making and use of the Gentile apparatus. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to devise the recited method steps. The motivation would be to make and use the Gentile apparatus.

25. Claims 13, 16, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Von Norring in view of Keller and Lekhtman and Simon as applied to claim 6 above. Von Norring in view of Keller, Lekhtman, and Simon does not disclose the recited method steps. However, the method steps are inherent in the making and use of the modified invention of Von Norring. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to devise the recited method steps. The motivation would be to make and use the modified invention of Von Norring as described above with respect to claim 6.

26. Claims 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Von Norring in view of Keller and Lekhtman and Abeille as applied to claims 3 and 4

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above. Von Norring in view of Keller, Lekhtman, and Abeille does not disclose the recited method steps. However, the method steps are inherent in the making and use of the modified invention of Von Norring. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to devise the recited method steps. The motivation would be to make and use the modified invention of Von Norring as described above with respect to claims 3 and 4.

Response to Arguments

27. Applicant's arguments with respect to claims 1-17 have been considered but are moot in view of the new ground(s) of rejection. Applicant arguments will be addressed, however, for the purpose of advancing prosecution.

28. Applicant argues that none of the references teach a solid core (Remarks of 1/10/05, pages 8-9). This is not persuasive. A piece of foam constitutes a solid core as recited in the claims. It does not matter that an air gap may be adjacent the foam within the interior of the outer shell. Applicant appears to be basing the argument on the specification and drawings that disclose that the core is the only element inside the outer shell. But the claims do not contain language that precludes the existence of other elements, such as an air gap, within the interior of the outer shell. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

29. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

30. Any inquiry concerning this communication should be directed to examiner Andrew D. Wright at telephone number 571-272-6690. The examiner can normally be reached Monday-Friday from 9:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, S. Joe Morano, can be reached at 571-272-6684. The fax number for official communications is 703-872-9306. The fax number directly to the examiner for unofficial communications is 571-273-6690.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Andrew D. Wright
Patent Examiner
Art Unit 3617

ANDREW D. WRIGHT
PRIMARY EXAMINER

AW 4/21/05